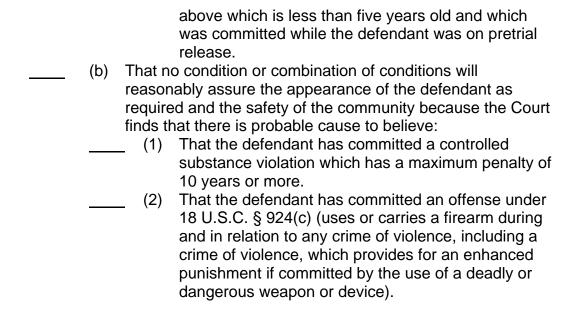
## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

| UNITED STATES OF AMERICA,   |  |
|---|--|
| Plaintiff,  | 8:17CR8  |
| vs. ANDRES ARZA ASTURIZAGA,   | DETENTION ORDER PENDING TRIAL  |
| Defendant.  |  |
|   | g pursuant to 18 U.S.C. § 3142(f) of the rs the above-named defendant detained and (I).  |
| conditions will reasonably assur required.  X By clear and convincing evidence  |  |
| X (1) Nature and circumstances of X (a) The crime: Reentry of Conviction is a seriou 20 years imprisonmer (b) The offense is a crime (c) The offense involves | Services Report, and includes the following: of the offense charged: f a Removed Alien after Aggravated Felony is crime and carries a maximum penalty of int.  |
| (3) The history and characterist (a) General Factors:  The defendan which may aff The defendan  | against the defendant is high. tics of the defendant including: It appears to have a mental condition ect whether the defendant will appear. It has no family ties in the area. It has no steady employment. |

|  |  | The defendant has no substantial financial resources. The defendant is not a long time resident of the   |   |  |
|--|--|--|---|--|
|  |  | community.  The defendant does not have any significant community.   | , |  |
|  |  | The defendant does not have any significant community ties.  |   |  |
|  |  | X Past conduct of the defendant:   |   |  |
|  |  | X The defendant has a history relating to drug abuse.  |   |  |
|  |  | The defendant has a history relating to alcohol abuse.   |   |  |
|  |  | <ul> <li>X The defendant has a significant prior criminal record.</li> <li>X The defendant has a prior record of failure to appear at</li> </ul> |   |  |
|  |  | · · · · · · · · · · · · · · · · · · ·  |   |  |
|  |  | court proceedings. (b) At the time of the current arrest, the defendant was on:  |   |  |
|  |  | Probation  |   |  |
|  |  | Parole   |   |  |
|  |  | Supervised Release   |   |  |
|  |  | Release pending trial, sentence, appeal or completion or   | f |  |
|  |  | sentence.  |   |  |
|  |  | <ul><li>(c) Other Factors:</li><li>X The defendant is an illegal alien and is subject to</li></ul>   |   |  |
|  |  | deportation.   |   |  |
|  |  | The defendant is a legal alien and will be subject to  |   |  |
|  |  | deportation if convicted.  |   |  |
|  |  | X The Bureau of Immigration and Customs Enforcement  |   |  |
|  |  | (BICE) has placed a detainer with the U.S. Marshal.  |   |  |
| X  | (4)  | Other: The nature and seriousness of the danger posed by the defendant's   |   |  |
|  | (-)  | release are as follows: Nature of instant offense, prior arrests and   |   |  |
|  |  | convictions and substance abuse history.   |   |  |
|  | <i>(</i> -)  |  |   |  |
|  | (5)  | Rebuttable Presumptions  |   |  |
|  | In determining that the defendant should be detained, the Court also |  |   |  |
| relied on the following rebuttable presumption(s) contained in 18 U.S.C. § 3142(e) which the Court finds the defendant has not rebutted: |  |  |   |  |
|  |  | (a) That no condition or combination of conditions will  |   |  |
|  |  | reasonably assure the appearance of the defendant as   |   |  |
|  |  | required and the safety of any other person and the  |   |  |
|  |  | community because the Court finds that the crime involves:   |   |  |
|  |  | <ul><li>(1) A crime of violence; or</li><li>(2) An offense for which the maximum penalty is life</li></ul>                                       |   |  |
|  |  | imprisonment or death; or  |   |  |
|  |  | (3) A controlled substance violation which has a   |   |  |
|  |  | maximum penalty of 10 years or more; or  |   |  |
|  |  | (4) A felony after the defendant had been convicted of   |   |  |
|  |  | two or more prior offenses described in (1) through  |   |  |
|  |  | (3) above, <u>and</u> the defendant has a prior conviction for one of the crimes mentioned in (1) through (3)                                    |   |  |
|  |  | ior one or the chilles mentioned in (1) through (0)  |   |  |



## D. Additional Directives

Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

- The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal; and
- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 23rd day of January, 2017.

BY THE COURT:

s/ Susan M. Bazis United States Magistrate Judge